

SENATE BILL 1578
By Burchett

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 201, relative to restrictions on idling of certain motor vehicles.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 201, is amended by adding the following new section:

68-201-____.

(a) As used in this section, unless the context otherwise requires:

(1) "Authorized emergency vehicle" means fire department, fire patrol or police vehicle, and such emergency vehicles as are designated or authorized by the commissioner or the chief of police of an incorporated city, and vehicles operated by commissioned members of the Tennessee bureau of investigation when on official business;

(2) "Idling" means the operation of an engine in the operating mode where the engine is not engaged in gear; and

(3) "Person" means every natural person, firm, co-partnership, association, limited liability company, corporation or other entity of every and any type:

(A) Who or that owns or operates, or has control over the operation of, any motor vehicle; or

(B) Who or that owns, leases, or occupies land and receives compensation or remuneration of any kind in connection with the parking or servicing of any motor vehicle on such land.

(b) No person shall cause, suffer, permit or allow a motor vehicle having a gross vehicle weight rating greater than eighteen thousand (19,500) pounds to idle when such motor vehicle is stationary at a loading zone, parking, or servicing area, route terminal, truck stop or other off-street area, except:

(1) During adjustment or repair of the engine at a garage or similar place of repair;

(2) During such period of time as is necessary to bring the engine to the manufacturer's recommended operating temperature or pursuant to and in accordance with the engine start-up procedure recommended by the vehicle or engine manufacturer;

(3) When a vehicle is undergoing an authorized state or local government periodic or roadside inspection;

(4) For a period of up to five (5) consecutive minutes when the ambient air temperature is less than thirty-two degrees Fahrenheit (32° F)(zero degrees Celsius (0° C)); provided however, that in no event may any engine be in operation for more than twenty (20) minutes in any one-hour period under this exception;

(5) For a period of up to fifteen (15) consecutive minutes when the ambient air temperature is less than twenty degrees Fahrenheit (20° F)(minus seven degrees Celsius (-7° C)); provided however, that in no event may any

engine be in operation for more than twenty (20) minutes in any one-hour period under this exception;

(6) For a period of up to five (5) consecutive minutes when the ambient air temperature is in excess of ninety degrees Fahrenheit (90° F)(thirty-two degrees Celsius (32° C)); provided however, that in no event may any engine be in operation for more than twenty (20) minutes in any one-hour period under this exception; or

(7) During such period of time as such truck or truck tractor is engaged in the delivery or acceptance of goods, wares or merchandise, or in the provision of power for an associated need other than movement, for which engine assisted power is necessary and substitute alternate power cannot be made available;

(c) The exceptions provided for in subdivisions (b)(4), (5) and (6) part shall not apply when alternative means of furnishing heating and air-conditioning to the vehicle are available within a radius of twenty-five (25) miles.

(d) The provisions of this section shall not apply to:

(1) Any authorized emergency vehicle, which term shall automatically include every ambulance and emergency medical vehicle operated by any emergency medical service licensed by the department of health pursuant to title 68, chapter 140, part 5; and

(2) Any truck or truck tractor when being used to repair, service or give assistance to disabled motor vehicles or when being used to render assistance to injured persons or in other emergency situations involving third parties; and

(3) Any truck or truck tractor when being used with the removal of snow, ice or debris on roads or highways.

(e) It is a Class C misdemeanor for any person to violate any provision of this section; provided, however, that the fine to be imposed in connection with any such violations shall be:

(1) Two hundred fifty dollars (\$250) for the first violation of this section by any persons; and

(2) Five hundred dollars (\$500) for the second and each subsequent violation of this section by any person.

(f) This section and any rules or regulations adopted pursuant hereto may be enforced by any state, county or city law enforcement officer who is authorized to enforce traffic laws, and by state or local officials authorized to issue citations in connection with the enforcement of health, safety or environment laws at the location where a violation occurs. For purposes of enforcement, any person who is subject to this section shall be deemed to have been present at the place of the violation, and to have consented to service of process to prosecute violations of this chapter.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.